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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,394	10/01/2003	Robert Kirby	10242-0196	4420
22902	7590	09/14/2005	EXAMINER	
CLARK & BRODY 1090 VERMONT AVENUE, NW SUITE 250 WASHINGTON, DC 20005			HOANG, TU BA	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Sp

<b>Office Action Summary</b>	Application No. 10/674,394	Applicant(s) KIRBY, ROBERT	
	Examiner Tu Ba Hoang	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 19-20 is/are rejected.
- 7) ☒ Claim(s) 17-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/13/04 &amp; 04/15/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

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***Claim Objections***

Claims 1-14, 17-18, and 20 are objected to because of the following informalities: In claim 1, before "slot" recited at line 3, the article "a" should be inserted. Appropriate correction is required. The term "a cross member" (second occurrence) recited in claims 17 and 18 should be changed to "the cross member" instead.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Yashin et al; (US 4,236,065) cited by the Applicant. Yashin et al shows all features of the claimed invention including a heater assembly comprising a heater subassembly which includes a block body 10 having at least a slot 14 sized to receive a solid state heater material 66,68 and a pair of opposing openings or bores 24,26 (as shown in Figures 1-2 and 4), a pair of terminals 46,48 one end of each terminal connected to a lead wire and the other end of each terminal including a spring 50 (column 3, lines 5-15, i.e., spring characteristics), with a portion of each spring extending beyond the opening and into the slot as shown in Figure 2, a heater made of PTCR or NTCR 40 with a portion of the heater disposed in the slot and retained in place by the springs 50 of the terminals, wherein the slot also includes a stop 28 and each spring terminal includes a tang 52 positioned on the terminal to engage the stop once the terminal is inserted to prevent removal of the terminal from the block body 10.

Claim 1 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Bouffard et al cited by the Applicant. Bouffard et al shows all features of the claimed invention including a heater subassembly 10 comprising a block body 12 having at least a slot sized to receive a solid state heater material 32 and a pair of opposing openings 14,16, a pair of terminals 18,26 one end of each terminal connected to a lead wire (31 or 25) and the other end of at least one terminal including a spring 22 with a portion of each spring extending beyond the opening and into a slot as shown in Figures 2-3, a PTC heater 32 with a portion of the heater disposed in the slot and retained in place by the springs 22 of the terminals.

Claims 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ammerman et al (US 3,447,121) cited by the Applicant. Ammerman et al shows a heater subassembly terminal block comprising a block body (Figure 6) having a slot sized to receive a solid state heater material (20.1 and 21.1), the block body including a pair of opposing openings (shown in Figures 4 and 6) with the slot 29 disposed therebetween, each opening in communication with a bore 28 in the block body, each bore terminating at one end in a terminal entrance, and a pair of terminals, one end of each terminal including a spring 35 including a tang 35.4, each terminal positioned in

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each bore, with a portion of each spring extending beyond the opening and into the slot, each opening is formed by a channel in the block body with each channel includes a stop 39 or 40 so that the tang positioned on the terminal to engage the stop once the terminal is inserted to prevent removal of the terminal from the block.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Salinger (US 3,696,232), Ting (US 3,940,591), and Nakamura et al (US 4,773,876).

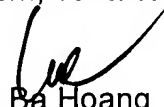
Claims 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not show the block body has legs and a cross member forming a U-shape, with the openings positioned in the legs and the bores positioned in the cross member connecting the legs as recited in claims 17 and 18.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Ba Hoang whose telephone number is (571) 272-4780. The examiner can normally be reached on Mon-fri from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tu Ba Hoang  
Primary Examiner  
Art Unit 3742

September 05, 2005